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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,844	09/29/2003	David M. Davis JR.	08709-0100	3707
3490	7590	02/23/2004	EXAMINER	
DOUGLAS T. JOHNSON MILLER & MARTIN 1000 VOLUNTEER BUILDING 832 GEORGIA AVENUE CHATTANOOGA, TN 37402-2289			VANATTA, AMY B	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,844

Applicant(s)

DAVIS, DAVID M.

Examiner

Amy B. Vanatta

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 is/are allowed.
- 6) ☒ Claim(s) 15, 16 and 20 is/are rejected.
- 7) ☒ Claim(s) 17-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trifunovic (US 4,141,122) in view of Svaty (US 3,633,808).

Trifunovic discloses a texturizer including a first housing 20 having a proximal and distal end, with an internal bore (21,23) as claimed. The housing includes a duct 45 providing fluid communication to the housing bore (21). Trifunovic discloses a first insert 26 (see Fig. 5) having a proximal and distal end and an insert bore (32) along a yarn travel axis. The insert has a collar 29 and is located as least partially within the housing bore 21. Passages 34 extend proximally from the exterior surface of the collar intermediate the proximal and distal ends of the insert, into the insert bore 32. The insert includes a receiver 28 located proximate to the duct 45 of the housing, as in claim 16.

Trifunovic does not disclose the claimed base, as recited in claim 15. Svaty discloses a yarn nozzle which includes an inlet duct for pressurized fluid (see the inlet which extends through a collar (un-numbered) and into cavity 13). This inlet duct is comparable to the inlet duct 45 of Trifunovic. The inlet duct of Svaty provides fluid

Art Unit: 3765

communicating to the nozzle bore (via cavity 13), as in claim 15. The device of Svaty includes a base (see un-numbered main body portion in which is housed the pump 16, at lower portion of the figure). This base has a first inlet (see un-numbered inlet extending into the base and into the pump 16 from the left side of the figure, having an arrow therein). This inlet is ducted to at least one station (the station comprising the valve 15 positioned on top of the base). The housing duct (connecting to cavity 13) provides fluid communication from the station (15) to the housing. The first housing is connected to the base via conduit 14 and valve 15 (see the figure). Thus, the means for supplying pressurized fluid to the nozzle as shown by Svaty forms the base, first inlet, and station as recited in claim 1. Trifunovic shows a duct 45 which is to be connected to a pressurized fluid source which is not shown in the figures (col. 5, lines 64-67). One having routine skill in the art would recognize that a conventional pressurized fluid source such as that shown by Svaty would be advantageous in the design of Trifunovic and if provided in Trifunovic would meet the structural limitations of the base, inlet, and station as recited in claim 1. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the pressurized fluid source of Svaty connected to the inlet duct 45 of Trifunovic, since such a fluid source would provide optimal and efficient pumping action and would prevent backflow due to the valve structure.

3. Claims 15, 16, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trifunovic et al (US 4,069,564) in view of Svaty (US 3,633,808).

Trifunovic et al disclose a texturizer including a first housing (see first left-most segment of housing 120, Fig. 7) having a proximal and distal end, with an internal bore (121a) as claimed. The housing includes a duct 136a providing fluid communication to the housing bore (121a). Trifunovic discloses a first insert 128a (Fig. 7) having a proximal and distal end and an insert bore along a yarn travel axis. The insert has a collar and is located as least partially within the housing bore 121a. Passages 134a extend proximally from the exterior surface of the collar intermediate the proximal and distal ends of the insert, into the insert bore. The insert includes a receiver (narrow portion of 128a) located proximate to the duct 136a of the housing, as in claim 16. Regarding claim 20, Trifunovic shows a plurality of similarly constructed housings (see inserts 128a and 128b, Fig. 7).

Trifunovic does not disclose the claimed base, as recited in claim 15. Svaty discloses a yarn nozzle which includes an inlet duct for pressurized fluid (see the inlet which extends through a collar (un-numbered) and into cavity 13). This inlet duct is comparable to the inlet ducts 136a, 136b of Trifunovic. The inlet duct of Svaty provides fluid communicating to the nozzle bore (via cavity 13), as in claim 15. The device of Svaty includes a base (see un-numbered main body portion in which is housed the pump 16, at lower portion of the figure). This base has a first inlet (see un-numbered inlet extending into the base and into the pump 16 from the left side of the figure, having an arrow therein). This inlet is ducted to at least one station (the station comprising the valve 15 positioned on top of the base). The housing duct (connecting to cavity 13) provides fluid communication from the station (15) to the housing. The first housing is

Art Unit: 3765

connected to the base via conduit 14 and valve 15 (see the figure). Thus, the means for supplying pressurized fluid to the nozzle as shown by Svaty forms the base, first inlet, and station as recited in claim 1. Trifunovic shows a ducts 136a,136b which are to be connected to a pressurized fluid source which is not shown in the figures (col. 5, lines 64-67). One having routine skill in the art would recognize that a conventional pressurized fluid source such as that shown by Svaty would be advantageous in the design of Trifunovic and if provided in Trifunovic would meet the structural limitations of the base, inlet, and station as recited in claim 1. Moreover, Trifunovic shows a plurality of housings and inserts which would thus be communicating with stations in the base (through ducts 136a,136b), as in claim 20. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the pressurized fluid source of Svaty connected to the inlet ducts of Trifunovic, since such as fluid source would provide optimal and efficient pumping action and would prevent backflow due to the valve structure.

Allowable Subject Matter

4. Claims 1-14 are allowed.
5. Claims 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

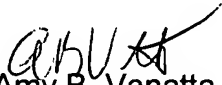
Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy B. Vanatta whose telephone number is (703) 308-2939. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (703) 305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Amy B. Vanatta
Primary Examiner
Art Unit 3765

abv
February 17, 2004